

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 5:07-cv-422 NPM/DEP

Judge: McCurn, SJ

Magistrate Judge: Peebles

THOMAS PICCIRILLO, MARIANNE B.
PICCIRILLO, ABN AMRO MORTGAGE
GROUP, INC., NEW YORK STATE DEPT. OF
TAXATION & FINANCE, NEW YORK STATE
DEPT. OF LABOR, COUNTY OF CAYUGA,
ROGER TUMBER, and MARTHA TUMBER,

Defendants.

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**ORDER OF DEFAULT JUDGMENT AGAINST
DEFENDANTS ROGER TUMBER & MARTHA TUMBER**

This matter coming before the Court upon Plaintiff United States of America's Motion for Entry of Default Judgment Against Defendants Roger Tumber and Martha Tumber (hereinafter the "Defaulted Defendants"), it is

ORDERED, ADJUDGED, and DECREED, that the plaintiff, the United States of America, having filed this action seeking to reduce certain assessed and unpaid tax liabilities against defendant Thomas Piccirillo to judgment, and to foreclose its valid and subsisting liens against certain parcels of real property, record title to which are in the name(s) of defendant Thomas Piccirillo and/or defendant Marianne B. Piccirillo, and the Defaulted Defendants having been named in this action on account of the fact that they maintain a judgment lien against defendant Thomas Piccirillo, and said Defaulted Defendants having been served with process but having failed to plead or otherwise defend in this action, and the time for doing so having

expired, and the Clerk of the Court having issued and entered a *Clerk's Certificate of Actin Taken on Plaintiff's Request for Entry of Default* against said Defaulted Defendants, and the United States having requested judgment by default against the Defaulted Defendants, and good cause having been found, that judgment is entered in favor of the plaintiff, the United States of America, against the Defaulted Defendants, and it is determined that the Defaulted Defendants, have no right, title, claim or interest in any of the below-described seven parcels of real property sought to be foreclosed and sold by the United States, including:

1. Improved property located in Onondaga County, New York, at 160 East Genesee Street, Skaneateles, New York 13152, and is described more fully as follows:

all THAT TRACT OR PARCEL OF LAND, situate in the Village of Skaneateles, County of Onondaga and State of New York, being part of Lot 29 and Lot 30, Block 16 of the Village of Skaneateles, in accordance with Griffin's 1870 Map of said Village: Beginning at a point on the south side of Genesee Street, said point being S. 1° 57' W. 28.39 feet from the center line of said Genesee Street, measured from the northwest corner of lands formerly owned by Robert C. Toms, Sr. and Ann M. Toms; thence S. 74° 34' E. 90.5 feet to a point; thence southerly at an interior angle of 95° a distance of 100 feet to point indicated by an iron pipe; thence southeasterly at an interior angle of 221° 30' about 17 feet to the west edge of an existing driveway; thence southerly at an interior angle of 138° 30' a distance of 40 feet to a point; thence north 83° 11' west 75 feet to a point in the west line of said Toms property; thence North 1° 57' east 167.47± feet to the point and place of beginning.

Also conveyed is all of the grantors' right, title and interest in and to that property located south of the centerline of said Genesee Street in said Village, and between the easterly and westerly boundaries of the above described property prolonged northerly-to the said centerline of said Genesee Street.

Also conveyed herein is a right of way for ingress and egress of motor vehicles and pedestrians, said right of way being 35 feet in width and being adjacent to the easterly boundary of the above described premises for a depth of about 114 feet from the south line of Genesee Street in the Village of Skaneateles. This right of way is granted under the express

condition that the grantee herein shall pay his proportionate share of cost of improvement and maintenance of said right of way.

The above described premises are shown on a map of survey made by Ronald F. Linderman, dated September 21, 1979, and filed in the Onondaga County Clerk's Office.

Being the same premises conveyed to the parties of the first part herein by Mary R. Schultz, by deed dated February 15, 1980, recorded in the Onondaga County Clerk's Office on the same date in Book 2779 of Deeds at page 283.

2. Improved property located in Cayuga County, New York, at 18 Melrose Road, Auburn, New York 13021, and is described more fully as follows:

all THAT TRACT OR PARCEL OF LAND situate in the Town of Owasco, County of Cayuga and State of New York, bounded and described as follows: BEGINNING at the northwest corner of a parcel of land shown and designated as Parcel 1 on a Map made for Anne M. Wallace and dated March 10, 1954, and filed in the Cayuga County Clerk's office in Book W of Filed Maps at Page 23, said point of beginning being the northwest corner of lands as conveyed by Anne M. Wallace to Ben Beach and Ethel Beach, his wife, by deed dated April 15, 1954 and recorded in Book 295 of Deeds at Page 484; thence southerly and along the west line of lands of said Beach (being the west line of Parcel 1), a distance of 179.2 feet to a point; thence continuing southerly and at an interior angle of $186^{\circ} 02'$ with the last described line and along the west line of lands as conveyed by Anne M. Wallace to Ben Beach and wife, by deed dated June 20, 1955 and recorded in Book 298 of Deeds at Page 250, a distance of 109.6 feet to a point; thence east and at an exterior angle of $88^{\circ} 45'$ with the last described line, 15.43 feet to the southwest corner of Parcel 2 as shown on the above-mentioned map; thence southerly and at an interior angle of $88^{\circ} 45'$ with the last described line and along the west line of Parcel 3 (being the west line of lands of Herman R. Jessie and wife, Book 295, Page 520) 100 feet to the southwest corner of Parcel 3; thence westerly and along the extension westerly of the south line of said Parcel 3, a distance of 147.3 feet to a point; thence southerly and along the extension northerly of the east line of lands of Sallie K. Pulsifer (Book 225, Page 301), a distance of 50 feet to the northeast corner of lands of Sallie K. Pulsifer; thence westerly and at an interior angle of $88^{\circ} 25'$ with the last described

line and along the north line of said Pulsifer land, 115 feet; thence southwesterly at an exterior angle of 135° 00' with the last described line and along said Pulsifer's land 7.72 feet; thence westerly at an interior angle of 135° 00' with the last described line and along said Pulsifer's land 36.18 feet to the southeast corner of land conveyed by Anne M. Wallace to George R. Iocolano, by deed dated September 21, 1953 and recorded in Book 294 of Deeds at Page 385; thence northerly at an interior angle of 85° 54' 30" with the last described line and along the east line of said Iocolano's land, 145.04 feet to an iron pipe; thence easterly at an interior angle of 90° 00' with the last described line, 100 feet to an iron pipe set in the east line of a right of way known as Cindy Lane; thence northerly and at an exterior angle of 90° 00' with the last described line and along the east line of Cindy Lane, 325.51 feet to an iron pipe set in the south of Melrose Road; thence easterly along the south line of Melrose Road, 177.86 feet to the place of beginning.

3. Improved property located in Cayuga County, New York, at 57 North Fulton Street, Auburn, New York 13021, and is described more fully as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Auburn, County of Cayuga and State of New York, as shown on a map of survey made for Ernest Jay Marshall by R.P. Marren, L.S. Lic. No. 21654, dated Sept. 18, 1985, a copy of which map is attached hereto and incorporated herein, and bounded and described as follows: BEGINNING at a point in the west line of North Fulton Street 132 feet southerly from the intersection of said west line with the south line of Seymour Street, and running thence southerly along the said west line of North Fulton Street a distance of 66 feet to a point; thence westerly at a right angle with the last described line, a distance of 165 feet to a point; thence northerly at a right angle with the last described line, a distance of 66 feet to a point; thence easterly at a right angle with the last described line, a distance of 165 feet to the point and place of beginning, and forming a right angle with the first described line.

The above described premises are conveyed SUBJECT TO easements, restrictions and rights of way of record. The above described premises are now known as No. 81 North Fulton Street in the said City of Auburn, New York, and are the same premises conveyed by Kathryn M. Cuddy to Ernest Jay Marshall by deed dated October 31, 1980, recorded in Cayuga County Clerk's Office October 31, 1980, in Book 609 of Deeds at page 30.

4. Unimproved lot located in Cayuga County, New York, on Swamp Road, Auburn, New York 13021 and is known as Parcel number 11 0-1-40.9, and is described more fully as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Sennett, County of Cayuga and State of New York and being Lot 9, Swamp Road, as shown on a map of lands of Patten of Central N.Y. Corp. situate at Franklin Street and Swamp Road made by Rhinevault Surveyors dated February 3, 1987 and filed in the Cayuga County Clerk's Office on March 9, 1987 as Map No. 87-42.

Patten of Central New York Corporation reserves for itself, its successors and assigns easements to be used in common with others for the purpose of the installation and maintenance of public utilities and for ingress and egress over, along and across the roads as shown on the above mentioned map and other easements of record. Further, Patten of Central New York Corporation reserves the right to grant to the New York State Electric and Gas Company, the New York Telephone Company and other utility companies which provide service in the above referenced subdivision, a utility easement described as follows: This easement shall be thirty (30') feet wide and the center line of this easement shall extend a long and parallel to the outer edges of all Highways and Roads, bordering on or extending into the land of Patten of Central New York Corporation as shown on the aforementioned map, this easement further includes a fifteen (15') foot strip of land along both sides of all lot lines shown on the aforementioned map. In connection with this easements, the right is also granted to overhang and cross all roadways with electric and telephone wires, to serve adjoining lots and to install guying facilities outside said easement width. It is understood and agreed that the easement and right-of-way granted shall be continuous and may be exercised at any time in the future, as to all highways or roads or over side lots lines now opened or that hereafter may be opened or laid out under the same terms, conditions and rights as above granted.

5. Unimproved lot located in Cayuga County, New York, on Swamp Road, Auburn, New York 13021 and is known as Parcel number 11 0-1-40.10, and is described more fully as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Sennett, County of Cayuga and State of New York and being Lot 10, Swamp Road, as shown on a map of lands of Patten of Central N.Y. Corp. situate at Franklin Street and Swamp Road made by Rhinevault Surveyors dated February 3, 1987 and filed in the Cayuga County Clerk's Office on March 9, 1987 as Map No. 87-42.

Patten of Central New York Corporation reserves for itself, its successors and assigns easements to be used in common with others for the purpose of the installation and maintenance of public utilities and for ingress and egress over, along and across the roads as shown on the above mentioned map and other easements of record. Further, Patten of Central New York Corporation reserves the right to grant to the New York State Electric and Gas Company, the New York Telephone Company and other utility companies which provide service in the above referenced subdivision, a utility easement described as follows: This easement shall be thirty (30') feet wide and the center line of this easement shall extend along and parallel to the outer edges of all Highways and Roads, bordering on or extending into the land of Patten of Central New York Corporation as shown on the aforementioned map, this easement further includes a fifteen (15') foot strip of land along both sides of all lot lines shown on the aforementioned map. In connection with this easement, the right is also granted to overhang and cross all roadways with electric and telephone wires, to serve adjoining lots and to install guying facilities outside said easement width. It is understood and agreed that the easement and right-of-way granted shall be continuous and may be exercised at any time in the future, as to all highways or roads or over side lot lines now opened or laid out under the same terms, conditions and rights as above granted.

6. Unimproved lot located in Cayuga County, New York, on Swamp Road, Auburn, New York 13021 and is known as Parcel number 11 0-1-40.11, and is described more fully as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Sennett, County of Cayuga and State of New York and being Lot 11, Swamp Road, as shown on a map of lands of Patten of Central N.Y. Corp. situate at Franklin Street and Swamp Road made by Rhinevault Surveyors dated February 3, 1987 and filed in the Cayuga County Clerk's Office on March 9, 1987 as Map No. 87-42.

Patten of Central New York Corporation reserves for itself, its successors and assigns easements to be used in common with others for the purpose of the installation and maintenance of public utilities and for ingress and egress over, along and across the roads as shown on the above mentioned map and other easements of record. Further, Patten of Central New York Corporation reserves the right to grant to the New York State Electric and Gas Company, the New York Telephone Company and other utility companies which provide service in the above referenced subdivision, a utility easement described as follows: This easement shall be thirty (30') feet wide and the center line of this easement shall extend along and

parallel to the outer edges of all Highways and Roads, bordering on or extending into the land of Patten of Central New York Corporation as shown on the aforementioned map, this easement further includes a fifteen (15') foot strip of land along both sides of all lot lines shown on the aforementioned map. In connection with this easement, the right is also granted to overhang and cross all roadways with electric and telephone wires, to serve adjoining lots and to install guying facilities outside said easement width. It is understood and agreed that the easement and right-of-way granted shall be continuous and may be exercised at any time in the future, as to all highways or roads or over side lot lines now opened or that hereafter may be opened or laid out under the same terms, conditions and rights as above granted.

7. Unimproved lot located in Cayuga County, New York, on Swamp Road, Auburn, New York 13021 and is known as Parcel number 11 0-1-40.13, and is described more fully as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Sennett, County of Cayuga and State of New York and being Lot #13 as shown on a map of lands of Patten of Central N.Y. Corp., situate at Franklin Street and Swamp Road made by Rhinevault Surveyors dated February 13, 1987 and filed in the Cayuga County Clerk's Office on March 9, 1987 as Map No. 87-42.

Subject to easements and restrictions or record, if any.

IT IS SO ORDERED:

19, by:

Neal P. McCurn

Neal P. McCurn

U.S. District Judge

Dated: July 30, 2009

Syracuse, NY

